

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TROY DANIEL STOKKE,

07-CV-1174-AC

Petitioner,

ORDER

Portland Division

v.

BRIAN BELLEQUE,

Respondent.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#32) on November 2, 2009, in which he recommended the Court deny Petitioner Troy Daniel Stokke's Petition for Writ of Habeas Corpus (#2) and enter a judgment dismissing this matter. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Petitioner reiterates the arguments contained in his Memorandum of Law in Support of his Petition for Writ of Habeas Corpus. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#32), **DENIES** the Petition for Writ of Habeas Corpus (#2), and **DISMISSES** this matter.

IT IS SO ORDERED.

DATED this 15<sup>th</sup> day of January, 2010.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge